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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,776	10/02/2006	Andrew V. Schally	SHAL3.0-032PCT/US	7750
47375	7590	08/17/2007	EXAMINER	
OMRI M. BEHR			HA, JULIE	
325 PIERSON AVENUE			ART UNIT	
EDISON, NJ 08837-3123			PAPER NUMBER	
			1654	
			MAIL DATE	DELIVERY MODE
			08/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10566776	10/2/2006	SCHALLY ET AL.	SHAL3.0-032PCT/US

OMRI M. BEHR
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EXAMINER

Julie Ha

ART UNIT	PAPER
1654	20070807

DATE MAILED:

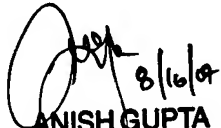
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Commissioner for Patents

Response to Restriction Requirement filed on July 31, 2007 is non-responsive. In the Requirement for Restriction/Election mailed out July 23, 2007, the Applicant is required to elect a single disclosed species of peptide sequences (see p. 6 of the office action). Peptide sequence numbers outlined, for example 67-82, is not to a single species, but to different species (see p. 6 of the office action, prior to paragraph 7). The Applicant elected peptide sequence numbers 67-82, which is not an election of a single disclosed species, but an election of genus. An election of a single disclosed species would be an election of peptide 67. For example, Peptide 67 recites [PhAc-Tyr1, D-Arg2, Phe(pCl)6, Amp9, Tyr(Me)10, Abu 15, Nle27, D-Arg28, Har29]hGH-RH(1-29)NH2. This is not the same as Peptide 68 which recites [PhAc-Tyr1, D-Arg2, Phe(pCl)6, Amp9, Abu15, Nle27, Har29]hGH-RH(1-29)NH2. This is not the same as Peptide 75 which recites [1-Nac-Tyr1, D-Arg2, Phe(pCl)6, Cit8, Amp9, Tyr(Me)10, His11, Abu15, Nle27, D-Arg28, Har29]hGH-RH(1-29)NH2. Search for Peptide 67 would not lead to Peptide 68 or 75, for example, due to the different variables at different positions.

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached CRF Diskette Problem Report with the reply.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Ha whose telephone number is (571)272-5982. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang, can normally be reached on (571) 272-0562. The fax phone number of this group is (571)-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


ANISH GUPTA
PRIMARY EXAMINER


Julie Ha
Patent Examiner
AU 1654